

PATENT
Customer No. 22,852
Attorney Docket No. 07648-0023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John CAIRNEY et al.)
Application No.: New) Group Art Unit: Not Yet Assigned
Filed: October 11, 2001) Examiner: Not Yet Assigned
For: DIFFERENTIALLY-EXPRESSED)
CONIFER cDNAs, AND THEIR)
USE IN IMPROVING SOMATIC)
EMBRYOGENESIS)

Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

**REQUEST FOR NON-PUBLICATION OF APPLICATION AND
CERTIFICATION UNDER 35 U.S.C. § 1.22(b)(2)(B)(i)**

As an authorized agent of the above-identified applicant, the undersigned attorney hereby certifies that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. § 1.22(b).

I further understand that this non-publication request may be rescinded at any time and if so, the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

I further understand that if applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen

months after filing, the United States Patent and Trademark Office must be notified of such filing within forty-five (45) days after the date of the filing of such foreign or international application. I also understand that failure by applicant to so notify the Patent and Trademark Office will result in abandonment of this application.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 11, 2001

By: 

Robert A. Pellock
Reg. No. 43,008

CONFIDENTIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 7648.0023-00

In re patent application of

CAIRNEY, JOHN et al.

Serial No. Unassigned

Filed: Concurrently Herewith

For: DIFFERENTIALLY-EXPRESSED CONIFER cDNAs, AND THEIR USE IN IMPROVING
SOMATIC EMBRYOGENESIS

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently
herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 37
C.F.R. § 1.821(g), does not include new matter;

2. the content of the attached paper copy and the
attached computer readable copy of the Sequence Listing, submitted in
accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same;
and

3. all statements made herein of their own knowledge are
true and that all statements made on information and belief are believed to
be true; and further, that these statements were made with the knowledge
that willful false statements and the like so made are punishable by fine
or imprisonment, or both, under Section 1001 of Title 18 of the United